

AUG 28 2008

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALVIS VERNON RHODES,

Petitioner - Appellant,

v.

STANISLAUS COUNTY,

Respondent - Appellee.

No. 07-17042

D.C. No. CV-07-01050-OWW

MEMORANDUM \*

Appeal from the United States District Court  
for the Eastern District of California  
Oliver W. Wanger, District Judge, Presiding

Submitted August 25, 2008\*\*  
San Francisco, California

Before: SCHROEDER, CANBY, and KLEINFELD, Circuit Judges.

On July 24, 2008, this court ordered appellant to show cause as to why the district court's judgment should not be summarily affirmed for the reasons stated

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

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in the Magistrate Judge's Findings and Recommendations of August 3, 2007.

A review of appellant's response to the court's order to show cause and the record indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

Accordingly, we summarily affirm the district court's judgment.

**AFFIRMED.**